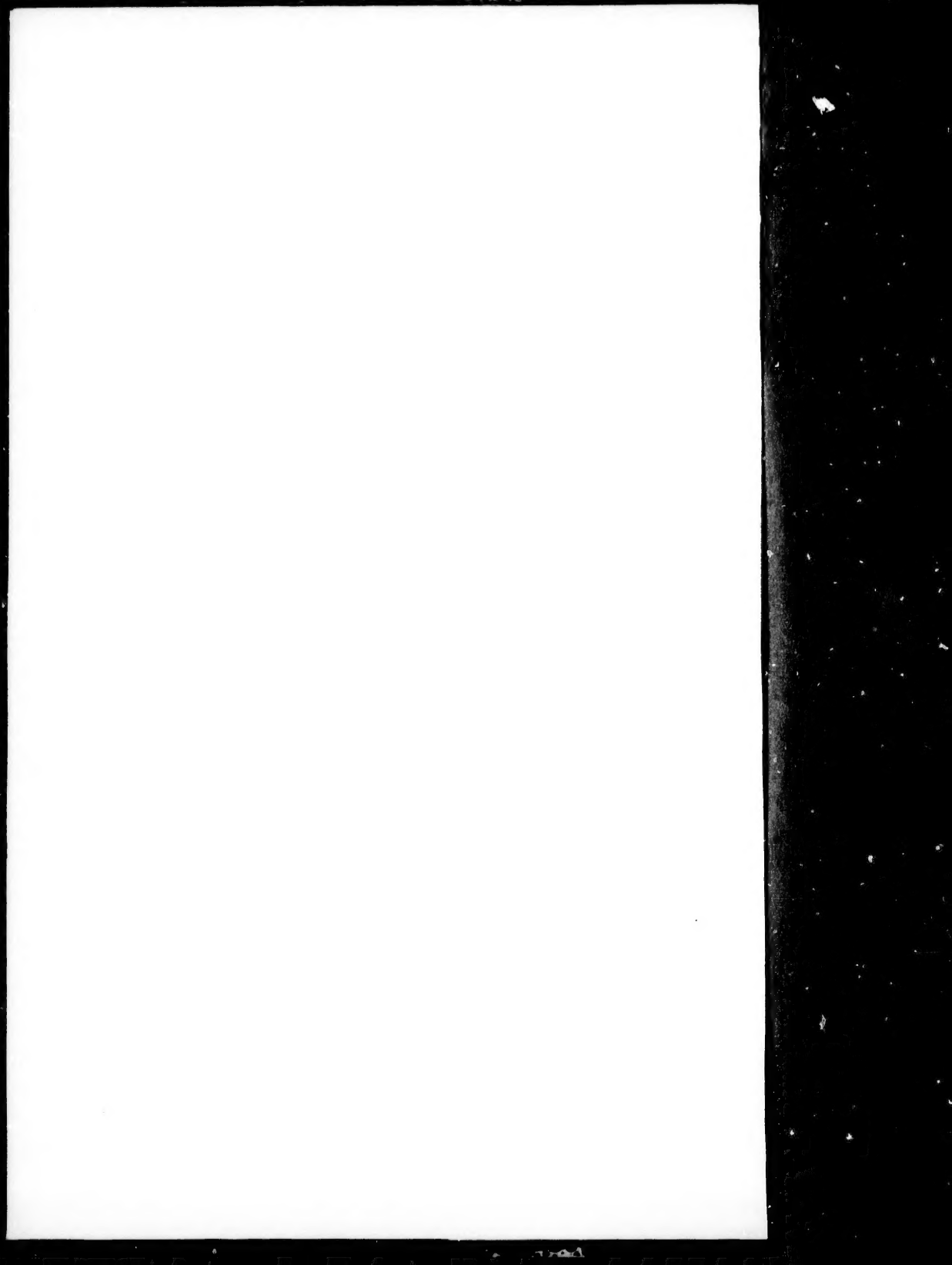




TO THE RIGHT HONORABLE EARL RUSSELL, PRINCIPAL
SECRETARY OF STATE FOR FOREIGN AFFAIRS :

MY LORD,—

This appeal is not addressed to your Lordship in consequence of the well known devotion of the House of Bedford to liberal and constitutional principles, or of the fact that those principles were first applied to Her Majesty's Colonies in British North America when you held the seals of the Colonial Department, but because at the present eventful crisis the honor of the Crown, and the respect due to the flag of England, are especially entrusted to your keeping as Foreign Secretary.

I have the right to believe that the present political condition of the British Provinces in this part of Her Majesty's dominions, will be regarded with attentive consideration by a Cabinet who have assumed an attitude towards the Federal Government of the neighboring Republic which is not unlikely to involve an immediate war—the battle-field for which must be furnished by these Colonies. In such a struggle, great as is the Military and Naval strength of Britain, nothing can exceed in importance the temper of the public mind in the Colonies themselves. It must, therefore, be matter for rejoicing to all who are interested in maintaining the integrity of the Empire, that at no period in the history of British America has there existed more devoted loyalty to the Crown, or greater pride in British Institutions, than now.

We turn our eyes from the contemplation of the dissolving throes which agitate Governments where despotism or un-mixed democracy prevails, to look with unqualified satisfaction upon the security to life, property, and personal freedom enjoyed by those who, safe under the ægis of British protection, can claim the freest political institutions in the world as their own.

The decision of the Crown Officers of England upon the recent insult to her flag on board the Trent, and the independent spirit in which that decision has been accepted by the nation and acted upon by the Government, have occasioned the utmost enthusiasm throughout the British Provinces on this side the Atlantic. But one sentiment pervades all classes of the people, and that is an entire readiness, should the occasion unhappily demand it, to share the danger and the glory of maintaining unsullied the honor of that flag which has long since become the symbol of national strength and personal freedom most happily combined.

It cannot, however, be denied that, with all these advantages, much must depend upon the men who, at such a time, discharge the high functions of representing Her Majesty the Queen in these Colonies.

Canada has just received as her Governor a gentleman who, entirely unconnected with the party struggles in that Province, is in a position to draw around him the united strength of all creeds and parties, only eager to rival each other in their devotion to the Queen he represents; New Brunswick occupies a like vantage ground, and from the same cause;—but it is deeply to be deplored, my Lord, that in Nova Scotia, where the loyalty of the people has ever been conspicuous, it is far otherwise.

Permit me briefly to recount, for the information of your Lordship, the circumstances which at this grave conjuncture render it imperative that she, too, should be placed, in this important respect, in as favorable a position as her sister Provinces. I will confine myself in this narration to statements which can be substantiated from the public records of the Province, now in the Colonial Office in Downing-street.

In 1859, Nova Scotia was convulsed by a bitter struggle between two parties—the Government, who maintained the broad British principle of equal civil and religious privileges for all denominations, and the Opposition, who had excited a war of creeds, and who demanded the proscription of all Roman Catholics from any share in the government of the country.

The Proscriptionists claimed a majority of three from the Sheriffs' Returns at the General Election. Lord Mulgrave, finding that five, at least, of their number were disqualified by law from sitting and voting in the Assembly, in consequence of holding offices of emolument under the Government, requested the advice of the Attorney and Solicitor Ge-

neral of the Province upon the question, and transmitted it to England for the review of the Crown Officers there. His Grace the Duke of Newcastle obtained the opinion of Sir Richard Bethell and Sir Henry Keating, and sent it to the Lieutenant Governor for his guidance.

The Crown Officers of both this Colony and the Parent State concurred in the opinion that the office-holders in question "were not legally capable of sitting and voting in the Assembly," and instructed Lord Mulgrave, that if they persisted in thus setting the law at defiance, it would become his duty to exercise the prerogative, and appeal to the people, as otherwise it would bring the Legislature into contempt, "and deprive the acts of the House of the consideration to which they would otherwise be entitled."

When the House met, the disqualified members assumed their seats; and having voted down a resolution which required their disqualification to be investigated, passed, by a majority of *two*, a vote of no confidence in the Government. Lord Mulgrave accepted that vote,—declared by the highest law authority in the Empire to be illegal and unconstitutional,—and refused his Council an appeal to the people. This palpable disregard exhibited by his Lordship to the instructions from the Crown, unfortunately followed the defiant declaration of one of the leaders of the Opposition on the floors of Parliament, that "any man who would, under those circumstances, dissolve, was unfit to govern the country," and the insolent assertion in the organ of that party that if the Governor did dissolve, and they gained a majority, their first act would be to move for his recall. The Government resigned; and for the first time in the history of this Colony an Administration was formed on the avowed principle of the exclusion of Roman Catholics from the Executive Council.

The career of the Government thus illegally formed has been marked from its inception to the present time by the most flagrant violations of law and constitutional usage.

The Constitution of the country was violated, and all precedent ignored, when Lord Mulgrave, in forming the Administration, created the office of President of the Council for Mr. Young, and allowed him to assume the leadership of the Government without re-election, because it was well known that he could not go back to his constituents without losing his seat, and thus destroying the entire majority he had in the Assembly. It may here be remarked that when Mr. Young's seat was afterwards vacated by his elevation to the Bench, it

was carried by his opponents by an overwhelming majority.

The constitution of this Colony was violated by the expulsion of the Chairman of the Railway Board from a non-political office, and bestowing it upon a member of the Executive, a former occupant having been obliged to resign his seat in the Government in order to occupy it.

All constitutional usage was violated by conferring the Solicitor Generalship upon the same officer who had just been appointed Railway Manager, because out of four lawyers supporting that party in the Assembly, not one could be found who dared accept it and seek re-election. An odious plurality of incompatible offices was thus created by the Lieutenant-Governor, in order to enable a minority to form an Administration and escape immediate defeat at the hands of the people.

Lord Mulgrave violated all constitutional usage by withholding the writ for the County of Cumberland for six months after the seat became vacant, in order to enable the Government to consolidate their interest in a vain effort to secure the return of one of their friends. Although the leader of the Government absented himself for weeks from his office, and neglected his duties while making a personal canvass for the Government nominee in a rural constituency where Mr. Young had secured a seat at the General Election, the Administration sustained a mortifying defeat.

Lord Mulgrave violated the constitution by refusing to dissolve when his Government were defeated in the Counties of Cumberland and Victoria, compelling his Lordship to acknowledge to the Colonial Secretary that they had received "a heavy blow, and met with a serious reverse, and that he thought a dissolution would become necessary before the questions which had so long agitated the country could be settled." Yet, with this declaration on record, although the constituencies of Digby and Argyle denounced by public meetings and petitions the two men who had been induced to go over to the support of the Government in opposition to the pledges upon which they had been elected and upon whose support the Government was dependant for their total majority, His Excellency not only refused to dissolve, but anticipated the meeting of the Legislature (for which he had pledged himself to wait that he might see how far his Administration were sustained,) by the appointment of three gentlemen as life members of the Legislative Council, whose sole qualification consisted in the fact that they had all been rejected by the people whenever they had offered themselves as candidates for the

Assembly. By these appointments His Excellency created a majority in the Upper House, opposed to the party whom he had just informed the Secretary of State were carrying every election in the Province where the popular voice was allowed to be heard.

Again Lord Mulgrave violated the constitution of the country, which demands respect to the opinions of the inhabitants, when he treated with disdain memorials from twenty-four thousand six hundred, or nearly one-half the entire electoral body in the Province, who besought him to appeal to the people, and whose petitions proved that in eight of the seats held by supporters of the Government, a large majority of the electors had withdrawn their confidence from the Administration.

The Lieutenant-Governor permitted the law to be openly violated by accepting the vote of the disqualified members who exhibited to the Colony the public scandal of law makers openly disregarding their own enactments.

His Excellency sanctioned the violation of law when Mr. Young, (whose written pledge he held that justice should be done on the committees), as Chairman of a Committee, was allowed to violate his oath with impunity by refusing to exercise the power, which the Chairman alone possessed, of requiring Mr. Cochran, whose seat was in dispute, to be a witness, and then refusing to admit Mr. Cochran's own handwriting as evidence that he was a Coroner.

Your Lordship can readily imagine the indignation with which the people of this Colony subsequently witnessed the appointment, by Lord Mulgrave, of Mr. Young to the office of Chief Justice, in virtue of this failure to respect the sanctity of his oath, when acting in a judicial capacity.

Lord Mulgrave permitted the law to be openly disregarded by allowing a partizan majority in the Assembly to reverse the finding of a committee, sworn under the Grenville Act, which convicted his Attorney General of wilful and corrupt bribery during his ministerial election, and by retaining him as his first Crown Officer after being thus branded with such a verdict.

Lord Mulgrave permitted the Hospital for the Insane, and the Railway Department, to be conducted in open violation of the law for many months, acts of indemnity having been subsequently required therefor.

Lord Mulgrave retained an Executive Council after it had been proved to him that they had violated the laws, and had

used His Excellency's name without his knowledge to abstract a large sum of money from the Provincial Treasury for one of their partizans, to whom it had been refused by the Legislature.

Lord Mulgrave permitted the law to be violated and the rules of the Assembly to be abused by the retention in the House of Mr. McKenzie, after he had been disqualified by appointment, with his own consent, to an office of emolument, by the Lieutenant-Governor; the House having one day negatived by a partizan vote an enquiry into Mr. McKenzie's disqualification, the next day, in violation of the rules, the leader of the Government referred the same question to a committee which was packed with a majority of Mr. McKenzie's political partizans.

Vacancies having occurred, "about the same time," in the Counties of Kings and Victoria, Lord Mulgrave violated the law which demanded that the elections should be held on the same day, and thus enabled the Government to concentrate their influence upon each contest separately, which it was the intent of the law to prevent. I may here state, as an indisputable proof of the general and wide-spread reaction against the Government, that out of four elections since the first session of the House, and all occurring for seats carried by the Proscriptionists at the General Election, the Opposition have been three times successful, the present Government but once, and in that instance with a largely diminished majority from that which they had at that time.

If it be not the duty of the Lieutenant-Governor to use the prerogative entrusted to him for the preservation of the Constitutional usages of the Colony, and to maintain inviolate the sanctity of the law, on the part of his Executive and the Legislature, it would, I conceive, be difficult to say of what utility his services are to the Colony.

When His Excellency refused to appeal to the people, in obedience to the precise instructions from the Crown thus to uphold our institutions and enforce respect to the law, and when his Lordship, by the perpetration of a series of outrages upon precedent and constitutional usage, enabled a party who were thus in an admitted minority in the country to seize the Administration, he became personally accountable for acts, the responsibility of which, under other circumstances, would have devolved upon his constitutional advisers.

With these unequivocal evidences that the public affairs of this Province are conducted by an illegal and unconstitution-

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al administration, holding power in defiance of the will of the great majority of the people, and that this prostration of our institutions and degradation of our laws, has been effected by the partizan conduct of the Lieutenant-Governor, your Lordship will not be surprised to learn that deep-seated irritation pervades the public mind against the Representative of Her Majesty throughout a very large portion of this Colony, and that, whichever party might prove successful, the happiest results would undoubtedly ensue from the removal of Lord Mulgrave, and the appointment of an able and independent Lieutenant-Governor, who would fearlessly appeal to the people, and thus restore confidence in the institutions of the country and the sanctity of law.

Let me not be misunderstood, my Lord. Should this appeal to your Lordship prove as ineffective to arouse any attention to the affairs of a comparatively small Colony as those which have preceded it to the Colonial Secretary, and should Nova-Scotians be compelled to see their laws and their institutions trampled in the dust, while they are taught the humiliating lesson that they have no rights which can prevail with the British Cabinet when opposed by the interests or convenience of those sent to govern them, it is but just to the deep-rooted loyalty of this country to say that I believe the people will still unite and combine, as on all former occasions, to strengthen the arms and uphold the dignity of the Parent State.

Yet, my Lord, may I not ask whether it is wise, whether it is just, to deny to such a people the inalienable rights accorded by the free institutions conceded by the Crown—the right to be governed in accordance with the wishes of the people—the right to protect their institutions and their laws at the polls against those who, for personal or party purposes, would ignore the one and trample upon the other?

Three years ago, Lord Mulgrave, as the Representative of our Gracious Queen, was received with acclamation in every part of Nova Scotia by men of all parties and creeds; now His Excellency barely escapes open insult when he goes forth among the people, because he is regarded as the friend and partizan of one party, and the determined enemy and opponent of the other.

Is it wise, or is it just, my Lord, that at so momentous a period in our history the Commander-in-Chief should be obliged to call around him for the defence of the country men who, despite their loyalty to their Sovereign, are burning with a rankling sense of the injustice with which he, as the Repre-

sentative of Majesty, has treated them; that the call to arms from Lord Mulgrave should be heard by five and twenty thousand of the stalwart yeomanry of this Province, who are now smarting under the insult with which they were treated when he contemptuously passed by their respectful memorial without deigning one word of reply; and that on an occasion when it may be of the utmost importance that His Excellency should be able to command the united and cordial support of all parties, he should occupy a position which compelled some of the most influential public men in the Colony, from a sense of self-respect, to decline to sit at his table.

Familiar as your Lordship is with Colonial matters, and devoted as you have ever been to Colonial interests, I feel assured that more need not be added to prove the justice, the wisdom, and the advantage of giving to Nova Scotia a Lieutenant-Governor who, unconnected with our past party struggles, will rally around him the whole population undivided and enthusiastic in sustaining the honor of the Crown and the integrity of the Empire.

Having been three times returned to represent one of the largest and most intelligent constituencies in this Province, and having at much pecuniary sacrifice to myself held for three years an office in the Government, second only to that of the Lieutenant-Governor,—were I to consider my own interests and feelings, nothing would afford me greater pleasure than to retire from public life; but, my Lord, this is my native land and the home of my children; and, insignificant as the affairs of a distant Colony may appear to the British Cabinet, the political condition of Nova Scotia is not less important to her inhabitants than is that of the British Islands to your Lordship and those who reside there.

In the hope that in this consideration your Lordship will find my justification for trespassing upon your attention,

I beg to subscribe myself,

With the most profound respect,

Your Lordship's most obedient,

Most humble servant,

CHARLES TUPPER.

Halifax, Dec. 26th, 1861.